



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2407617
Applicant Name: Dan Nelson Architect for First Hill LLC
Address of Proposal: 710 8TH Avenue

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish the use for the future construction of a 21-story, 199-unit apartment building and a nine-story assisted living facility with 76 assisted living units, 30 skilled nursing rooms, 1,600 square feet of retail all over a five-story base structure. Parking for 320 vehicles in a five level garage. Project includes demolition of a 58-unit apartment building and an alley vacation.

The following approvals are required:

SEPA - Environmental Determination – Chapter 25.05 SMC

Design Review – Chapter 23.41 SMC

Special Exception – Chapter 23.44.066 SMC. To allow additional height above the base height limit of 160 feet up to a maximum of 240 feet.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

* Early DNS Notice published July 28, 2005 and with revision September 22, 2005.

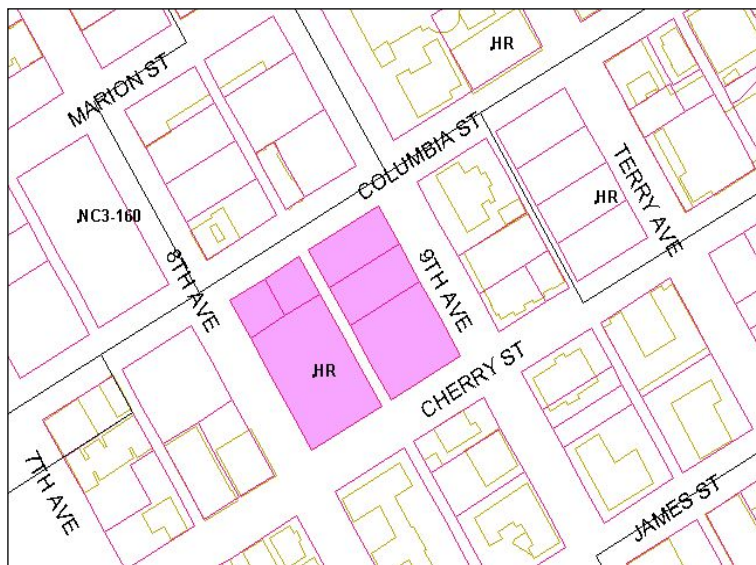
BACKGROUND DATA

Project and Site Description

The applicant proposes a large retirement complex on a full block site within the First Hill neighborhood overlooking downtown. The block, bounded by 8th and 9th Avenues and Cherry and Columbia Streets, would house a proposed 240 foot high “independent living” tower and a separate 90 foot “assisted living” structure both raised above a plinth containing residential units and a parking garage. The number of dwelling units totals 305 (199 independent living units and 106 assisted care units). Construction of the project would necessitate removal of the Capri Apartments on the southeast corner of the block and all of the surface parking spaces currently on site. An alley vacation would be required to realize the desired campus.

At the Early Design Guidance meeting, the applicant presented several massing alternatives. The preferred scheme located a four story residential plinth facing 8th Avenue. As it extended toward 9th Avenue, the plinth would serve as an underground parking garage for the complex and for the use of Trinity Parish, which would have replacement parking (a portion of the existing surface parking lot is controlled by Trinity Parish) in the garage. Above the plinth, the independent living tower would rise over the site’s northwest corner at Columbia and 8th streets. The assisted living facility would form an “L” shape in plan with its wings meeting at the corner of 9th and Cherry streets. A series of open spaces terracing down from 9th Ave. would occupy a roughly diagonal swath extending from the intersection of 9th and Columbia to 8th and Cherry visually connecting the two neighboring churches.

Another massing option proposed building above a podium with two 240 foot towers set diagonally from each other. Independent living units would be located above the assisted living facility. A third option resembled the preferred scheme; however, the assisted living facility would have just one wing extended along Cherry St. rather than the two wings of the first option.



Proposed vehicular access to the parking garage for the preferred scheme would occur from both Columbia and Cherry Streets. The entrances have functional distinctions---one curb cut and garage entrance on Cherry St. for service vehicles and the other for resident and public parking. A proposed curb cut and a circular driveway on 9th Ave. would provide a drop off area at the east entrance of the independent living tower. A proposed retail space would be located at the corner of 9th Ave. and Cherry St. Open

spaces in this scheme would occur at the corner of 9th and Columbia as part of the proposed vehicular access area, in front of the residential plinth along 8th Ave., and possibly within setbacks on Cherry St. Private opens spaces would be located on terraces and balconies above the plinth.

By the Recommendation Meeting, refinements of the preferred scheme had been based on the earlier guidance.

The site's zoning classification of Highrise (HR) allows a height of 160 feet. The Land Use Code permits an additional 80 feet when the proposal meets specific criteria. The applicant seeks the full 80 feet. Along the Columbia and Cherry rights-of-way, the grade slopes dramatically rising 46 feet. The site has been graded to create several tiers or terraces to accommodate the existing parking lots. Where the unimproved alley extends from Cherry to Columbia, a partial retaining wall and vegetation supports the upper most terraces.

An alley vacation (Clerk File # 307256) was requested and approved by the Seattle City Council on March 20, 2006. Several of the six conditions were recommended by the City Council included limiting the vacation to the specific project proposal shown to the City Council, providing the public benefit features of the Cherry St. hill climb, the 8th Ave. garden crescent and landscape enhancements to the drop off area at Columbia St. and 9th Ave. The City Council also asked the petitioner to consider incorporating art pieces on the streetscape or public elements of the proposal and using high quality pedestrian lighting on all four sides of the project. The Design Commission shall review the final design of the public benefit features.

Vicinity

The First Hill site lies, two blocks east of Interstate 5, overlooking downtown. Apartment buildings and religious institutions immediately surround the property on adjacent blocks. Three historic landmarks lie within close proximity including St. James Cathedral, Trinity Parish and the German Heritage Society. Several of the nearby four to five story apartment buildings were constructed between the late 1940s and the 1970s. Other apartment buildings were built earlier in the last century. Beyond the immediate area, medical institutions and large housing projects represent prominent land uses. Swedish Hospital and Harborview Medical Center are to the east and south of the proposal site respectively. Single use parking lots comprise the other significant land use in the vicinity. The Frye Art Museum sits two blocks up the hill to the east.

Ninth Avenue serves as an important vehicular and pedestrian corridor through this portion of First Hill. Connecting several institutions, the corridor begins to the south at the Yesler Terrace Apartments, passes by Harborview, the subject site, St. James Cathedral, then crosses Madison Street to the Virginia Mason Medical Center complex and finally terminates at Horizon House and Freeway Park, which brings the pedestrian into downtown and the Convention Center. Schools, an art museum and other cultural institutions (e.g. Town Hall) lie within a few blocks of this corridor. Cherry St. serves as an important pedestrian connector to downtown. Several social service agencies have their operations on Cherry. With its mature trees and quieter ambience than 9th Ave., the 8th Ave. corridor is highly valued as a pedestrian street by the local neighborhood organizations.

Zoning within the immediate area comprises High Rise (HR). Beyond the surrounding blocks, the zoning adds Major Institutional Overlay zones defining the Harborview and Swedish Medical Center campuses to the south and east. Closer to the interstate, a Neighborhood Commercial Three zone has a 160 foot height limit (NC3 160). Near Broadway to the southeast lies a NC3 with an 85 foot height limit (NC 3 85) and a Midrise zone (MR) zone. The neighborhood is within the First Hill Urban Village/Center.

The First Hill Neighborhood Plan establishes policy objectives related to the vicinity. These address urban design elements along the streets, improvements to rights-of-way, and the promotion of housing on sites adjacent to 8th Avenue.

Public Comments

Thirty four members of the public signed in at the Early Design Guidance meeting. A representative of the City of Seattle's Parks and Recreation Department, Bill Blair, spoke of the critical need for parks on First Hill and the department's interest in acquiring and developing a 10,000 square foot park in the neighborhood. He outlined the importance of 9th Avenue as a spine or corridor through First Hill which connects Harborview Medical Center, Yesler Terrace, Virginia Mason and several religious, cultural and medical institutions. He referred to several private initiatives along 9th Ave. to improve the streetscape. Noting the proposed plan, Blair discussed the benefits of locating the open space on the southeast corner of the site (at 9th and Cherry) rather than the proposed location of the open space/driveway on the northeast corner. Blair observed that the proposed open space is compromised by the circular driveway which would dominate the space and would not lend itself to a quality open space. His comments reflected similar observations made by others at the meeting.

Other speakers encouraged the architects to vary the building setbacks from the sidewalk to create a more urban campus with intimate open spaces; design a hill climb in or near the right of way to accommodate wheelchairs and skateboarders (reference was made to the connection from Horizon House to Freeway Park and paths through Virginia Mason and Swedish); and establish the alley for service deliveries and life safety.

ANALYSIS-DESIGN REVIEW

Design Guidelines Priorities

The project proponents presented their initial ideas at an Early Design Guidance meeting on March 2, 2005. After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members identified the following Citywide Design Guidelines as high priorities to be considered in the final proposed design.

A. Site Planning

A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

The site's steep slope rises approximately 46 feet from 8th Ave. to 9th Ave. affording dramatic views and excellent possibilities for terracing of structures and open spaces.

A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

Cherry Street serves as a significant pedestrian route to and from downtown. The design of the spaces adjacent to the right-of-way should reinforce and enhance this movement. Consideration of senior citizens and others reliant on the medical and religious institutions in the area should be paramount in designing the streetscape. Ninth Ave. is an important corridor as well (see discussion above). Open spaces and pedestrian improvements to the right-of-way should be incorporated into the project. The development team should begin discussions with the Departments of Planning and Development, Parks and Recreation, and Transportation to provide amenities that serve the First Hill Community as well as the regional institutions sited along this corridor.

A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.

The Board strongly encourages locating proposed retail space close toward the corner of Ninth Avenue and Cherry Street. This would provide for the possibility of pedestrian oriented retail along a well used route into downtown.

A-6 Transition Between Residence and Street. For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

Neither the setbacks nor the design of the spaces between the structures and the sidewalk should be repetitive. The Board urged the applicant to find creative and well designed solutions for the hill climbs along Cherry and Columbia streets. The residents of the retirement community, neighbors, users of the medical and social services in the vicinity and pedestrians passing through to downtown should discover clearly defined open spaces for the momentary rest, the enjoyment of views or the opportunity to eat their lunch.

The crescent-shaped open space along 8th Avenue should not be timid. The designers should continue to explore the design of this open space. Interesting paving patterns and landscape features should accentuate this public area. The Board questioned the success of the decks on the lower level of the residential units. Although the proposed façade would resemble townhouses and the decks may suggest small stoops and discreet gardens, the interaction of the decks and the areas for public use needs to be carefully considered. The private decks could compromise the use of the more public crescent. There should be a clear distinction between public space (the right-of-way), the semi-public open space (the crescent) and the semi-private space (the decks).

A-7 Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

The proponents should clarify which open spaces are accessible to the public and which ones are private.

A-8 Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

The Board generally agreed with the concept of garage access occurring on Cherry and Columbia Streets. Less successful in the minds of the Board were the proposed curb cut and drop-off area along 9th Ave. As proposed each of these would disrupt the pedestrian experience along the 9th Ave. corridor. The design of the drop-off area serves to privatize the public sidewalk as an entrance to the retirement complex. The circular drive compromises the idea of a public landscaped plaza, a potential pedestrian amenity, in the service of an auto court. Similarly, the concept of a visual connection between open spaces at St. James and the proposed open space (public benefit) becomes less meaningful. The Board suggested an “L” shaped drive that would leave more room for uninterrupted open space and also serve as a drop-off area for the assisted living tower that would be located on the north facing the open space rather than on 9th Ave. The “L” shaped driveway would likely necessitate a retaining wall that separates it from the public parking entry. The project proponents should also explore with SDOT providing short term parking spaces on 9th Avenue in front of the building that would alleviate the need for the pullout area.

A-10 Corner Lots. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

This project has four distinct corners. At least three of them possess significant characteristics. Congregants at Trinity Parish will use the corner at Cherry St. and 8th Ave. to cross back and forth from the parking garage within the complex. St. James congregants similarly will use the corner crossing at 9th and Columbia. The intersection of 9th and Cherry is an important pedestrian route to and from downtown. The proposed retail use should be placed at this corner and potentially cater to the pedestrians as well as the needs of the retirement community.

C. Architectural Elements and Materials.

C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

The proposed project acknowledges both St. James Cathedral and Trinity Parish by establishing sight lines diagonally across the site to allow views of both churches from the top of the podium. These urban relationships, which are meaningful, should be enhanced.

Although the architect suggested using a light colored brick or stone to match the cathedral and its rectory, no decision has been made. The Board made no suggestion at this time regarding building materials.

C-2 Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions

within the building. In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

The Board generally agreed with the overall massing concept. It encouraged the proponents to shift the independent living facility closer to Columbia St. and increase the building setback along Cherry St., since the latter is the more important pedestrian connection.

C-3 Human Scale. The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

Due to the size of the proposed complex, the scale of the buildings, particularly at the lower levels, should convey a sense of human proportion and intimacy reflected in the design treatment of the facades, the landscaping, open spaces and architectural features. The facades should have a clear hierarchy using building modules of a human scale. The materials should possess variations in texture. The walls along Cherry and Columbia streets and 8th Ave. should be addressed as their length and height could potentially be imposing.

C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

See C-1.

D. Pedestrian Environment.

D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

The Board strongly encouraged a redesign and reordering of the priorities for the pedestrian open space on 9th Ave. and Columbia St. First, the Board felt that the open space on 9th Ave. would receive little direct sun exposure potentially limiting the space's desirability. Second, with the proposed circular drive, the value of the area to pedestrians is compromised. Third, the entrances for the independent living tower and the assisted living facility would have a stronger relationship were the entrance of the latter moved to the north facing the open space. The Board discouraged the proposed vehicular pullout and the shift in the 9th Ave. sidewalk toward the entrance of the assisted living tower. SDOT may offer other possibilities for arranging passenger drop-off such as time limited parking on the street.

The Board encouraged greater setbacks on Cherry St. to accommodate a gracious hill climb. The building setback should vary creating small open spaces along the hill climbs and adding incident or variety to a potentially imposing wall.

A pedestrian crosswalk should begin at the northeast corner of the subject site. The applicant will need to explore this suggestion with DPD and the appropriate staff at SDOT.

For related comments see A-8.

D-2 Blank Walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.

Buildings constructed on steep slopes risk creating blank walls to accommodate parking garages and a continuous floor plate. Board members emphasized the importance of creating pedestrian friendly streetscape particularly on Cherry St.

E. Landscaping.

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites. Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

The development team appeared cognizant of landscape plans that St. James Cathedral has for enhancing its campus. However, the applicant should contact the Department of Parks and Recreation to understand and potentially integrate the department's plans for improvements along the 9th Ave. corridor.

E-2 Landscaping to Enhance the Building and/or Site. Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

Given the size of the proposed project, all of the landscape elements mentioned in bold (E-2) would be welcome.

Sustainable design elements should be incorporated into the building design and integrated into the design of the open spaces. Irrigation of the gardens and open spaces, for example, could be obtained from rainwater collection systems on the roofs.

E-3 Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

The steep slope poses several challenges for the elderly who will live in the complex. Every opportunity should be made to design the sidewalks on Cherry and Columbia to accommodate the elderly and the physically handicapped who will live in the facility.

Detailed landscape plans and perspective sketches of the major open spaces should be developed for the Recommendation meeting.

MASTER USE PERMIT APPLICATION

The applicant revised the design and applied for a Master Use Permit with a design review component on July 6, 2005.

DESIGN REVIEW BOARD RECOMMENDATION

The Design Review Board conducted a Final Recommendation Meeting on March 15, 2006 to review the applicant's formal project proposal developed in response to the previously identified priorities. At the public meeting, site plans, elevations, floor plans, landscaping plans, models and computer renderings of the proposed exterior materials were presented for the Board members consideration.

Public Comments

Three members of the public signed-in at the Recommendation meeting. Comments focused on need for safety and the adequacy of lighting along Cherry St. and 8th Ave. Most pedestrian traffic will occur on these streets. The open spaces created from the public benefit derived from the alley vacation should be true public spaces and not appear privatized by the development. At the meeting, Jim Erickson on behalf of the First Hill Improvement Association presented a written request to have the project use specific lighting fixtures along 8th Avenue.

DPD received several letters commenting on the proposed project. One letter writer requested specific design considerations for building mass, materials and landscaping. The author also requested that the project preserve the present pedestrian character of Eighth Ave. A series of letters from the law firm Gendler and Mann addressed insufficiencies and inadequacies of notice, adverse impacts on traffic, height, bulk and scale, shadow analysis and the loss of housing units. Other issues included non-compliance with open space requirements and the validity of the agreement between the applicant and Trinity Parish allowing for the 80 foot height bonus.

Development Standard Departures

The applicant requested departures from the following standards of the Land Use Code:

1. Building Setbacks. Side setback at Columbia St.: 5' setback below 37'; 20' above 37'.
2. Building Setbacks. Front setback at 9th Ave: 10' setback below 37'
3. Open Space. 50% of site area. Balconies below 37' are 6' minimum depth and 60% sq. ft. minimum area.
4. Parking on Level Closest to Grade. Maximum 50% of floor area devoted to parking on level closest to grade.
5. Floor Plates. Maximum floor plate of 100' in depth above 37'.
6. Façade Modulation. Modulation required between 10' and 37': Min. width: 5'; max. width: 30'; Min. depth: 4'.

Recommendations

A. Site Planning & Massing

A-1 Responding to Site Characteristics. The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

The Board made no further comments on this guideline.

A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

The Board made no further comments.

A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.

The Board expressed its satisfaction with the design of the hill climb.

A-6 Transition Between Residence and Street. For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

The Board had reservations about the relationship between the proposed independent living tower on Columbia Street in which a retaining wall would create a 20 foot deep chasm between the facade of the independent living tower and the sidewalk. Board members felt that the lack of light and privacy for the two proposed guest rooms facing the well would compromise these rooms. The Board recommended that the applicant increase the amount of planting and to specify larger plants between the sidewalk and the fence to ensure greater privacy for the guest rooms. If possible, the planting strip between the well and the sidewalk should be widened by shifting the sidewalk to the north.

A-7 Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

The Board observed that none of the residential open space on the terraces would receive morning light which would benefit the residents of both towers. The upper open space for the Health Center Building would often be in shade compromising the quality of the space. The Board did not recommend revisions.

A-8 Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

The safety issue implicit in locating vehicular access for the elderly on steeply sloping Columbia Street was briefly discussed. The Board did not ask for revisions to the vehicular access.

A-10 Corner Lots. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

The Board made no further comments.

C. Architectural Elements and Materials.

C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

The Board made no further comments.

C-2 Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

The Board made no further comments.

C-3 Human Scale. The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

The 8th Ave. entrance to the independent living tower is quite tall and institutional in appearance for an apartment building. Although the actual entrance is just one floor high, the projecting columns and facade frame five stories of glazing creating the appearance of a grand entry. The Board recommended revision to the second and third floors above this entry. Brick and smaller windows should be used to maintain the continuity of the brick façade along 8th Ave.

The lower levels of the Health Center Building's (assisted living) south elevation should have more modulation or relief. The horizontal windows should be further recessed to establish more definition and relief on the façade. The Board would welcome other ideas that should be submitted to the planner for review.

C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

See C-3.

The Board discussed the design and use of a brise-soleil (a structural sun break) to shade the extensive windows on the south and west elevations. Board members expressed their desire for this architectural feature but did not recommend a condition for its use.

D. Pedestrian Environment.

D-1 Pedestrian Open Spaces and Entrances. Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

Continuity of pedestrian lighting on 8th Ave. should be a priority. The Board asked that the selection of lighting be the same as that agreed upon by the First Hill Improvement Association and Seattle City Light.

The Board recommended adding overhead weather protection on the north side of the Independent Living tower above the fourth floor entrance.

D-2 Blank Walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.

The Board did not comment on this issue.

E. Landscaping.

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites. Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

The Board requested that pedestrian oriented street lights conform to those agreed upon by the First Hill Improvement Association and Seattle City Light. See D-1.

E-2 Landscaping to Enhance the Building and/or Site. Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

See A-6. The Board expressed its satisfied with the design of the hill climb.

E-3 Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

The Board made no further comments.

Board Recommendations: The recommendations summarized below were based on the plans submitted at the March 15, 2006 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings available at the March 15th public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans, renderings and models, the five Design Review Board members present unanimously recommended approval of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed below).

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	RECOMMENDATION
1. Building Setbacks. SMC 23.45.072	Side setback at Columbia St. 5' below 37'; 20' above 37'.	5' below 37' 5' above 37'	<ul style="list-style-type: none"> Provides greater setbacks on Cherry and 8th Ave. where more useful and responsive to site conditions. 	Approval
2. Building Setbacks. SMC 23.45.072	Front setback at 9 th Ave. 10' below 37' 20' above 37'	5' below 37' 5' above 37'	<ul style="list-style-type: none"> Provides greater setbacks on Cherry and 8th Ave. where more useful and responsive to site conditions. 	Approval
3. Open Space SMC 23.45.074	50% of site is 30,719 s.f. Balconies below 37' are 6' minimum depth and 60% sq. ft. minimum area.	40% at grade or no more than 37' above grade. 12% on balconies or terraces above 37' sizes range from 5' to 22' deep and 42 s.f. to 1600 s.f. 52% Total open space.	<ul style="list-style-type: none"> Balconies are immediately accessible to residents and are more useable open space. More open space at grade would likely create a taller health center bldg. 	Approval
4. Parking on Level Closest to Grade SMC 23.45.076C.2	Maximum 50% of floor area devoted to parking on level closest to grade.	64%	<ul style="list-style-type: none"> Parking on this level is below grade and not visible from street because of the sloped site. Additional non-parking floor area would not have access to daylight. 	Approval
5. Floor Plates SMC 23.45.068	Maximum floor plate of 100' in depth above 37'.	153'4" on Independent Living Tower. 173'6" and 130'7" on Health Center Bldg.	<ul style="list-style-type: none"> Allows for most efficient grouping of programmatic elements. Smaller floor plates would require additional buildings/towers to accommodate program. 	Approval

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	RECOMMENDATION
6. Façade Modulation. SMC 23.45.070	Modulation required between 10' and 37': Min. width: 5' Max. width: 30' Min. depth: 4'	<p>Bldg. base along Cherry St. Min width: 4' Max. width 65' 7" Min depth: 1'9"</p> <p>Bldg. base along Columbia. Min width: 9' Max. width 72' 10" Min depth: 1'9"</p> <p>Portion of H.C. Tower on Cherry St. Min width: 4' Max. width 65' 7" Min depth: 2'</p> <p>Portion of H.C. Tower along 9th Ave. Min width: 5' Max. width 44' 6" Min depth: 1'</p> <p>Portion of I L. Tower along Columbia St. Min width: 5' Max. width 49' 4" Min depth: 3'8"</p>	<ul style="list-style-type: none"> Enhanced landscaping on Cherry St. hill climb. Enhanced landscaping and 10' wide planting strip on Columbia St. Changes in material along 9th Ave. and 1' deep reveal for full height of bldg. Canopy on 9th Ave. provides pedestrian scale. I.L. Tower steps back at 4th and 5th floors which provide horizontal modulation. 	Approval

The Board recommended the following **CONDITIONS** for the project. (Authority referenced in the letter and number in parenthesis):

1. Increase the size and amount of plantings between the retaining wall / fence and the sidewalk along Columbia Street. Widening the width of this planting strip should be studied. (A-6)
2. Continue the brick façade and window pattern comprising the second and third floors of the low-rise residential elevation above the 8th Avenue entrance to reinforce the three story residential base and to reduce the appearance and scale of the five story entrance. (C-3, C-4)
3. Increase the modulation or relief on the lower 37 feet of the Health Center's south façade. One option is to further recess the punched horizontal window at the fourth and fifth levels. The Board would welcome other ideas that should be submitted to the planner for review. (C-3)
4. Add overhead weather protection on the north side of the independent living tower above the fourth floor entrance into the amenity area. (D-1)
5. Use lighting fixtures on 8th Avenue that match those agreed upon by the First Hill Improvement Association and Seattle City Light. (D-1, E-1)

DIRECTOR'S ANALYSIS - DESIGN REVIEW

The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the City-wide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. In addition, the Director is bound by any condition where there was consensus by the Board and agrees with the conditions recommended by the five Board members and the recommendation to approve the design, as stated above.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED**.

ANALYSIS-SPECIAL EXCEPTION

The allowable height limit of structures in areas zoned Highrise is 160 feet. Section 23.45.066B Seattle Municipal Code (SMC), however, allows additional height above the base height limit of 160 feet up to 240 feet in the Highrise zone as a special exception. In order to qualify, the applicant must comply with the following general provisions: the applicant must provide for adequate spacing between existing or proposed towers, 1) in order to minimize blockage of views from public spaces and 2) to minimize the casting of shadows on public places. If these provisions are met, additional height above 160 feet may be allowed by supplying a public benefit in one, or in any combination of three, categories: 1) provide or preserve low-and/or moderate-income housing, 2) provide landscaped, public open space, or 3) preserve structures of architectural and historical significance.

The applicant seeks additional height for the proposed new tower under one of the above categories: when new multifamily developments preserve structures of architectural or historical significance. The applicant proposes a 199 unit residential (independent living) tower for seniors as part of the complex, thus meeting the new multifamily development criteria. In order to qualify, the applicant shall comply with the following provisions (related analysis provided after each section):

- 1. The applicant shall provide for adequate spacing between existing and proposed towers in order to minimize blockage of views from public places, and to minimize casting of shadows on public places. The applicant shall provide shadow diagrams for December 21st, March 21st and June 21st, as well as elevations showing the degree, if any, of view blockage that would occur. The Director may limit or condition the amount of extra height and bulk granted in order to minimize blocking of views from public places and to casting of shadows on public places.*

The applicant has demonstrated that the proposal allows for adequate spacing between the existing and the proposed towers, that there is minimal blockage of views from public spaces. In addition, the applicant has demonstrated, by providing shadow diagrams (per SMC 23.45. 066 B 1), that the proposed design minimizes the casting of shadows on public spaces. Because of the height and width of the proposed new tower, there could be substantial shadows cast by the structure seasonally and hourly relative to the position of the sun. The shadows, however, would

incrementally add to a shadow pattern already in play at certain times and seasons from larger structures mostly in downtown.

The design of the tower has improved from the early concept designs, as a result of the iterative Design Review process. The design guidance of the Design Review Board and the successful responses on the part of the architects and applicant have resulted in a competent design that mitigates the height, bulk and scale impacts and creates a human-scale, pedestrian friendly element of the streetscape. The final proposed configuration of the tower, in the estimation of the Design Review Board, provides as an architectural element in the neighborhood skyline that is both compatible with the neighborhood and pleasantly distinctive in its own right.

The location of the Independent Living tower responds to site topography, relationships among on-site project components (the assisted living facility) and existing buildings on blocks surrounding the project site in a manner that results in both open space areas between the complex's two towers and open landscaped areas along the project's perimeter. In this way, the project creates sight lines both through the site and along surrounding streetscapes. Similarly, the treatment of the project's landscaped corner at 9th and Columbia responds to and enhances the proposed landscaping program of St. James Cathedral on the opposing corner.

As an HR zone area, the neighborhood immediately surrounding the project site includes several high-rise buildings such as Cabrini Tower (Terry and Marion), Chancery Place (9th and Marion), the Merrick Building (9th and Cherry) and the Harborview Tower (9th and James). The larger First Hill area includes a number of institutional and residential high-rise such as Harborview and Swedish Hospitals and Jefferson Terrace. Recently proposed high-rise development projects, Frye Tower and Horizon House, have sought and received extra building height through bonuses available under the Code.

2. *Preservation of designated City landmarks, with proceedings and controls adopted pursuant to Seattle Municipal Code, Chapter 15.12, Landmarks Preservation Ordinance, may qualify for eighty (80) feet of additional height.*

The Church building received Seattle Historic Landmark designation in December 1976 (City Landmark Preservation Board Designation, C.F. 283720, Exhibit B; and City Ordinance 106087, Exhibit C). The Building was listed on both the National Register of Historic Places and the Washington Heritage Register in September, 1991. Landmark status was awarded in recognition of the building's contributions to the City's "cultural and historic heritage"; its simple and unadorned architectural style, common to modest parish churches throughout England; its distinctive steeple tower; and its prominent corner location on First Hill.

Trinity Church sustained significant structural damage from the February 28, 2001 Nisqually Earthquake. Structural analysis revealed damage to the integrity of the sanctuary wall and tower along with more visible damage on the facade. The applicant has documented the damage and the architectural and engineering work needed to repair and preserve the church in an analysis provided to DPD.

3. *The significant structure to preserved may be located either on the project site or within the immediate vicinity.*

Trinity Parish Church is located diagonally across from the project site at Eighth Avenue and Cherry St.

For these reasons, the Director concludes that the design of the project merits approval of the requested height exception.

DECISION - SPECIAL EXCEPTION

The special exception increasing height from 160' to 240 feet is **GRANTED**.

ANALYSIS-SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent (dated July 6, 2005) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with review of similar projects, form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665D1-7) mitigation can be considered.

Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of construction-related noise, air quality, earth, grading, traffic and parking impacts as well as mitigation.

Noise

Noise associated with construction of the building could adversely affect surrounding uses in the area, which include residential and commercial uses. Due to the proximity of the project site to these residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

Prior to issuance of demolition, grading and building permits, the applicant will submit a construction noise mitigation plan. This plan will include steps 1) to limit noise decibel levels and duration and 2) procedures for advanced notice to surrounding properties. The plan will be subject to review and approval by DPD. In addition to the Noise Ordinance requirements to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to the following:

- 1) Non-holiday weekdays between 7:30 A.M and 6:00 P.M.
- 2) Non-holiday weekdays between 6:00 P.M. and 8:00 P.M limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
- 3) Saturdays between 9:00 A.M. and 6:00 P.M. limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
- 4) Emergencies or work which must be done to coincide with street closures, utility interruptions or other similar necessary events, limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.

Air Quality

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). To mitigate impacts of exhaust fumes on the directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of the adjacent residential buildings.

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. In order to ensure that PSCAA will be notified of the proposed demolition, a condition will be included pursuant to SEPA authority under SMC 25.05.675A which requires that a copy of the PSCAA permit be attached to the demolition permit, prior to issuance. This will assure proper handling and disposal of asbestos.

Earth

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the SGDCC (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a

requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geo-technical engineer prior to issuance of the permit. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

The City's geotechnical staff has determined that the site is an environmentally critical area (ECA) as a steep slope area. Based on the submitted documents, the steep slope areas on the subject site appear to be less than 20 feet in height, not part of a larger seep slope system, and/or appeared to have been created by previous grading and construction activities. Further, the submitted geotechnical reports by Kleinfelder, Inc. dated May 8, 2001 and April 7, 2005, demonstrated that granting this exemption will not result in adverse impacts on this site and adjacent sites. In this respect, a Limited ECA exemption is granted for the aforementioned steep slope areas, and the ECA Steep Slope Development Standards (i.e. the threshold disturbance level of 30 percent of the Steep Slope Areas) are waived for development associated with the project. All other ECA submittal, general, and landslide-hazard, and development standards will apply for this proposed development.

Grading

An excavation to construct the lower level of the structure areas will be necessary. The maximum depth of the excavation is approximately 58 feet and will consist of an estimated 60,200 cubic yards of material. Approximately 1,100 cubic yards of select structural fill material will be imported onto the site. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Traffic and Parking

Construction of the project is proposed to last approximately 24 months. The soil removed for the garage structure will not be reused on the site and will need to be disposed off-site. Excavation and fill activity will require 6,130 round trips with 10-yard hauling trucks or 3,070 round trips with 20-yard hauling trucks. Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The proposal site is near a major arterial and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

Truck access to and from the site shall be documented in a construction traffic management plan, to be submitted to DPD and SDOT prior to the beginning of construction. This plan also shall indicate how pedestrian connections around the site will be maintained during the construction period, with particular consideration given to maintaining pedestrian access along Eighth Avenue and Cherry Street. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.

Parking utilization along streets in the vicinity is near capacity and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. Due

to the large scale of the project, this temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. In order to minimize adverse impacts, construction workers will be required to park in the garage as soon as it is constructed for the duration of construction. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased light and glare; and loss of two older buildings.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, due to the size and location of this proposal height, bulk and scale and traffic and parking impacts warrant further analysis.

Height, Bulk and Scale

The proposed project complies with height requirements in SMC 23.45.066, which permits an 80 height bonus in a Highrise zone when meeting specific provisions. The proposal was also subject to the city's Design Review process. The Capital Hill / First Hill Design Review Board twice reviewed the project including several massing options that the applicant presented at the Early Design Guidance meeting. On March 15, 2006, the local design review board made its recommendations to DPD.

Traffic and Transportation

The proposed project would generate approximately 610 new daily trips and 47 of these new trips would be during the weekday PM peak hour. This figure is based on the subtraction of the trips produced by the existing Capri apartments. The Heffron study states that "the trip generation estimates presented are consistent with expectations that the facility would generate few peak hour trips. In general, seniors and retired persons do not often drive during AM or PM peak hours." The peak hour trips reflect mostly employee trips. The study indicates that PRCN will set its employee shift change to occur at off-peak hours.

The traffic consultant studied five intersections: 6th Ave. / James St.; 8th Ave. / Cherry St.; 9th Ave. / Columbia St.; 9th Ave. / Cherry St. and 9th Ave. / James St. The 6th Ave. and James St. intersection already has a Level of Service (LOS) of E during PM peak hour. The other intersections have Levels of Service currently at B (9th and Columbia) and C. The project's impact in 2009 would not cause further degradations in the LOS grade for any of the five intersections. Only 8th and Cherry St. would incur more than a one second delay. Two

intersections would have no increase in delay. Sixth Ave. and James would increase its delay by 0.4 seconds. No mitigation is proposed.

The intersection of James St. and 6th Avenue meets the city of Seattle's definition for a High Accident Location. The intersection experienced approximately 24 accidents annually for the past three years most of which involved vehicles turning left at the intersection from westbound James St. to southbound 6th Ave. where drivers can access Interstate 5. The Heffron study states that the proposed project will add ten vehicles to this left-turn movement during the PM peak hour. This volume would represent less than one percent of the PM peak hour left-turning volume in 2009 with the proposed project. The study concludes that the increase is small; therefore, the potential increase in accidents due to the proposed project is also likely to be small.

Parking

Currently, approximately 144 parking spaces occupy the site. About 52 spaces are used for the Archdiocese parking and 92 are used as Trinity Parish parking. One hundred spaces of replacement parking for Trinity Parish would be provided within the proposed project's parking garage. The Archdiocese will not have parking on the site.

Parking demand for retirement facilities in the First Hill area of Seattle tend to be lower than rates published in ITE's *Parking Generation*. The rates in *Parking Generation* were developed from more suburban facilities that do not have access to the amenities and transportation options found on First Hill near the site.

The transportation consultant, Heffron Transportation Inc. estimates that the appropriate peak parking demand rate for a senior housing facility on First Hill is .47 spaces per residential unit. The consultant bases the figure on calculations from an earlier analysis for the Horizon House expansion (2004) and two other senior housing facilities within the local area. Based on the high-end parking demand rate, the proposed project would generate a peak parking demand for approximately 146 spaces. This demand includes resident, visitor, and employee parking.

The project would provide 320 parking spaces (100 of which would be designated for Trinity Parish). The owners propose providing one residential parking space per independent living unit for a total of 200 stalls. The residential parking spaces would be noted as reserved for the residents. The remaining 20 spaces would be shared by employees and visitors. The 100 spaces allotted to Trinity Parish would be on a separate level and would be operated by Trinity Parish much as their existing surface stalls are managed today. The parking supply on the site would be sufficient to accommodate the parking demand for the project and the Trinity Parish. No off-site parking impacts are anticipated.

The reduction of four curb cuts and two alley curb cuts, would allow up to three additional on-street parking spaces adjacent to the site. The project also proposes to convert up to three existing two hour parking spaces on 9th Ave. to a passenger-load zone near the facility's health building.

Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 (2) (C).

CONDITIONS-DESIGN REVIEW

Prior to Issuance of a Master Use Permit

Update plans according to the following conditions:

1. Increase the size and amount of plantings between the retaining wall / fence and the sidewalk along Columbia Street to provide screening of lower level guest units from the public sidewalk. Widening the width of the same planting strip should be studied.
2. Continue the brick façade and window pattern comprising the second and third floors of the low-rise residential elevation above the 8th Avenue entrance to reinforce the three story residential base and to reduce the appearance and scale of the five story entrance.
3. Increase the modulation or relief on the lower 37 feet of the Health Center's south façade. One option is to further recess the punched horizontal window at the fourth and fifth levels. The Board would welcome other ideas which should be submitted to the planner for review.
4. Add overhead weather protection on the north side of the independent living tower above the fourth floor entrance into the amenity area.
5. Use lighting fixtures on 8th Avenue that match those agreed upon by the First Hill Improvement Association and Seattle City Light.

Non-Appealable Conditions

6. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Bruce P. Rips, 615-1392). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
7. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Bruce P. Rips, 615-1392), or by the Design Review Manager.
8. Embed the MUP conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

Prior to Final Approval

9. An appointment with the assigned Land Use Planner must be made at least three working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

CONDITIONS-SEPA

Prior to Issuance of a Demolition, Grading, or Building Permit

10. Attach a copy of the PSCAA demolition permit to the building permit set of plans.
11. Submit a construction traffic management plan to be reviewed and approved by SDOT and DPD. The plan shall, at a minimum, identify truck access to and from the site, pedestrian accommodations, and sidewalk closures. Large trucks (greater than two-axle) shall be prohibited from entering or exiting the site after 3:30 P.M.

During Construction

12. The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

Condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

13. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to the following:
- A. Non-holiday weekdays between 7:30 A.M and 6:00 P.M.
 - B. Non-holiday weekdays between 6:00 P.M. and 8:00 P.M limited to quieter activities and based on a DPD approved construction noise mitigation plan and public notice program outlined in the plan.
 - C. Saturdays between 9:00 A.M. and 6:00 P.M. limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
 - D. Emergencies or work which must be done to coincide with street closures, utility interruptions or other similar necessary events limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
14. Construction workers shall park in the on-site garage as soon as it is constructed, following approval from the DPD Building Inspector.

Signature: (signature on file)
Bruce P. Rips, AICP, Senior Project Planner
Department of Planning and Development

Date: May 15, 2006